

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the Office Action mailed December 28, 2007. The status of the application is as follows:

- Claims 1-21 are pending;
- Claims 1, 2, 3, 19, and 20 have been amended;
- Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph;
- Claims 15, 16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rapaport *et al.* (US 5,890,152); and
- Claims 1-14, 17, 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapaport *et al.* in view of Freeman *et al.* ( US 5,961,881).

The rejections are discussed below.

#### **Claim 3**

Claim 3 has been amended to be consistent with amended claim 1. This amendment has not been made to address any issue of patentability.

#### **The Rejection of Claims 19-21 under 35 U.S.C. 112, Second Paragraph**

Claims 19-21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Office asserts that claims are unclear because claims are computer program products but contain "means for" limitations. Claims 19-20 have been amended to remove any confusion pertaining to the claimed subject matter. The amendments render the rejection of claim 21 moot at least because claim 21 depends therefrom.

#### **The Rejection of Claims 15, 16, 19 and 20 under 35 U.S.C. 102(e)**

Claims 15, 16, 19 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Rapaport. This rejection should be withdrawn because Rapaport does not teach each and every element as set forth in the subject claims and, therefore, does not anticipate claims 15, 16, 19 and 20.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

**Claims 15 and 19** recite similar aspects to those in claim 1. As such, the above discussion regarding claim 1 applies *mutatis mutandis* to claims 15 and 19.

**Claim 16** depends from claim 15, and at least by virtue of its dependency should be allowable and the rejection withdrawn.

**The Rejection of Claims 1-14, 17, 18, 21 under 35 U.S.C. 103(a)**

Claims 1-14, 17, 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapaport in view of Freeman. This rejection should be withdrawn because the combination of Rapaport and Freeman does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obviousness with respect to the subject claims.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, (CCPA 1974). MPEP §2143.03.

Claim 1 has been amended to include aspects of previously presented claim 2, as such, independent **claim 1** now recites a method, comprising, *inter alia*: populating the virtual library with a plurality of different virtual media collections in accordance with the user profile, ***wherein the plurality of the different virtual media collections includes information obtained directly from a broadcasted television signal, wherein the broadcasted television signal is an analog television signal; and browsing the virtual library by moving between the plurality of different media collections under user control.***

The Office concedes that Rapaport fails to teach obtaining media files from a broadcasted television signal. To make up for this deficiency, the Office asserts that Freeman does teach this element, however, when the information obtained from an analog broadcast television signal as disclosed in Freeman is incorporated with the device taught in Rapaport, the subject claim element is still not taught or suggested. Rapaport requires a separate media converting system that receives data through a modem and converts the data to a digital format that can be used by

the device for processing. Likewise, Freeman also teaches a system where conventional analog television broadcast programming may be transferred from a cablehead to a computing device, but that the data must be also converted into a digital format readable by the computing device (column 6, lines 45-51; column 7, lines 3-5). Therefore, the combination of Rapaport and Freeman fails to teach obtaining media files “directly” from an analog broadcast television signal as required by amended claim 1, and the rejection should be withdrawn.

The Office further asserts that column 5, lines 29-42 and Fig. 15a of Rapaport teach browsing the virtual library by moving between the plurality of different media collections under user control. It is respectfully submitted that Rapaport fails to teach this element. Column 5, lines 29-42 instead teach a data process apparatus that contains multiple components necessary to search a network, like the internet. This section does not teach a user controlling searching within data already saved to the device, as recited within claim 1. Fig. 15a, on the other hand, illustrates network search results that are retrieved by a search engine from a network, like the internet, and displayed to the user. Alternatively, the search engine does not retrieve data, but the user specifies the location of the data. Neither of these illustrations involves the user browsing the data saved to the device within the virtual library, but instead involves the system retrieving information from a network and displaying for the user, either through a search engine or the user specifying data location. Therefore, Rapaport fails to teach the claimed element and the rejection should be withdrawn.

Claim 2 has been amended to depend from claim 15. **Claim 2** now recites, *inter alia*, a populator that populates the virtual library with virtual media collections, wherein the plurality of the different virtual media collections includes information obtained from the analog television signal. No new material has been added. As discussed previously, Freeman teaches a system where conventional analog television broadcast programming may be transferred but that the data must be converted into a digital format readable by a computing device. Therefore, Freeman fails to teach virtual media collections from the analog broadcast television signal as required by amended claim 2, and the rejection should be withdrawn.

**Claims 3-14** depend directly or indirectly from claim 1, and at least by virtue of their dependencies should be allowable. Accordingly, the rejections thereto should be withdrawn.

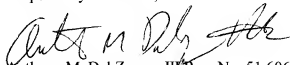
Application No. 09/408,794  
Amdt. Dated: March 20, 2008  
Reply to Office Action Dated: December 28, 2007

**Claim 17, 18, and 21** respectively depend directly or indirectly from claims 16 and 20 and are allowable at least by virtue of their dependencies thereto. Accordingly, the rejections should be withdrawn.

**Conclusion**

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,



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